1945

K

File No. B. Prim. Education and Local Boards/45

Legal Department

B BRANCH

Subject:— Bill No. ~~XXI~~ of 1945

A Bill to amend the Bombay Primary Education Act, 1923, and the Bombay Local Boards Act, 1923.

(Sec. 27 and Sec. 93 and 119 respectively.)

Bom. ~~XXI~~ of 1945

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File No. B. Prim. Education and Local Boards/45

Gen. 194 e.

521-B

Office of the R.L.A.

Insertion of new section 27AA in Bom.IV of 1923.

Grant of dearness allowance when required by Provincial Government.

Clause 2 on page 39 may be replaced by -

2. After section 27 of the Bombay Primary Education Act,1923,the following new section shall be inserted, namely.

" 27 AA. When so required by the Provincial Government a dearness allowance at such rates as may fixed by the Provincial Government from time to time shall be paid to the administrative, teaching, inspecting, supervising, clerical and inferior staff, maintained by a local authority being a district local baord."

Sd/P.N.M.

Remembrancer of Legal Affairs.

U.O. to G.O.,No.5125,dated the 12th July 1945.

EKN.14/8/

No.9707.

Legal Department,
Bombay Castle, 28th December 1945.

From

P.N.Moos, Esquire, Bar-at-law, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Primary Education Act, 1923, and the Bombay Local Boards Acts, 1923.

Sir,

With reference to your Memorandum dated the 27th Aguust 1945, addressed to the General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Primary Education Act, 1923, and the Bombay Local Boards Act, 1923, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. The Subject-matter of the Bill falls under entries 13 and 17 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. None of the provisions of the Bill relates to any matter enumerated in the Concurrent Legislative List. It is not, therefore, necessary to reserve the Bill for the Consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

3. The date on which His Excellency the Governor's

assent.....

assent is given may kindly be entered in the endorsement.

4. I also forward herewith one spare copy of the Bill.

Your Obedient Servant,

Sd/P.H.M.
28/12/45.

Secretary to the Government of Bombay,
Legal Department.

Through.

The Secretary to the Government of Bombay,
General Department.

EKN.14/7/

No.201 ( ).
Office of the Governor's Secretary,
Government House,
Bombay, 7th January, 1946.

From

G.G.Drewe,Esquire,OBE.,ICS.,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Deapartment.

Subject:- A Bill to amend the Bombay Primary Education Act,1923,and the Bombay Local Boards Act,1923.

Sir,

With reference to your letter No.9707 dated the 28th December 1945, on the subject mentioned above I am directed to return herewith thecopy of the Bill to amend the Bombay Primary Education Act,1923, and the Bombay Local Boards Act,1923, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act,1935, and to state that under the provisio of the aforesaid paragraph His Excellency the Governo is peleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant,

Secretary to the Governor of Bombay.

EKW.14/7/ Copy forwarded to the General Department.

Acts.

Publication of the Bombay Primary Education and Local Boards (Amendment)Act,1945.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 224.,
Bombay Caslte, 10th January 1946.

Letter to the Secretary to the Governor, No. 9797 dated the 28th December 1945.

Letter from the Secretary to the Governor, No. 201 dated the 7th January 1946.

"With reference to your leter No.9707 dated the 28th December 1945, on the subject mentioned above, I am directed toreturn herewith the copy of the Bill to amend to Bombay Primary Education Act,1923, and the Bombay Local Boards Act,1923, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act,1935,and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION:- The law should be published as Bombay Act No.XXI of 1945,in the Bombay Government Gazette dated the 10th January 1946.

2. The Actshould be translated into Marathi, Gujarathi,Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay.

Sd/N.K.BARVID.

Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay,
(with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).

The General Department,
*The Oriental ~~Em~~ Translatorxx to Government,
The Secretary to the Bombay Legislative Council
The Secretary to the Bombay Legislative Assembly.
) with a copy of the Act.

*with five extra copies.

EKN .14/7/

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Bom. Act No XXI of 1945

~~GOVERNOR'S BILL No. XXII OF 1945.~~

A Bill to amend the Bombay Primary Education Act, 1923, and the Bombay Local Boards Act, 1923.

Bom. IV of 1923. Bom. VI of 1923.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1923, and the Bombay Local Boards Act, 1923, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

Short title.

1. This Act may be called the Bombay Primary Education and Local Boards (Amendment) Act, 1945.

Insertion of a new section 27B in Bom. IV of 1923.

Bom. IV of 1923.

2. After section 27A of the Bombay Primary Education Act, 1923, the following new section shall be inserted, namely :—

Grant of dearness allowance when required by Provincial Government.

"27B. When so required by the Provincial Government a dearness allowance at such rates as may be fixed by the Provincial Government from time to time shall be paid to the administrative, teaching, inspecting, supervising, clerical and inferior staff maintained by a local authority."

Amendment of sections 93 and 119 of Bom. VI of 1923.

Bom. VI of 1923.

3. In the Bombay Local Boards Act, 1923—

(*i*) in sub-section (*1*) of section 93 for the words "one anna" and "two annas" the words "two annas" and "three annas" shall respectively be substituted; and

(*ii*) to sub-section (*1*) of section 119 the following proviso shall be added, namely :—

"Provided that when so required by the Provincial Government, a dearness allowance at such rates as may be fixed by the Provincial Government from time to time shall be paid to the officers and servants maintained by a district local board under sub-section (*1*)."

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STATEMENT.

The needs of the rural areas in respect of communications, public health, education, etc., are expanding. To meet their growing needs district local boards require more funds. The main sources of income of district local boards are (1) the local fund cess and (2) Government grants. The dependence of district local boards on Government for grants to enable them to discharge their obligatory duties is generally recognised to be unsatisfactory. It is desirable that they should as far as possible be self-reliant.

Section 93 of the Bombay Local Boards Act, 1923, requires Government to levy a local fund cess at the rate of 1 anna on every rupee of land revenue. It also gives discretion to district local boards to make an application to the Provincial Government requesting it to raise the rate of the cess up to 2 annas. Certain district local boards have availed themselves of the discretion given to them to increase their income by raising the rate of cess to the maximum limit but others have not done so. In view of the high price of agricultural produce now prevailing it is felt that an increase of one anna in both the minimum and maximum rates of local fund cess would be justified and would impose no hardship on those who pay it.

It is therefore proposed to raise the limits of the minimum and maximum rates at which the local fund cess on land revenue can be levied under section 93. The compulsory minimum rate is proposed to be raised from one anna to two annas and the discretionery maximum rate from two to three annas.

The necessity of paying adequate dearness allowance to meet the high cost of living occasioned by the war is recognised, but some local bodies have pleaded inability to pay it owing to want of funds. In view of the increased resources made available to district local boards from the higher rates of cess it is proposed to make the payment of dearness allowance by local bodies to their staff compulsory at rates fixed by Government. The Bill also aims to amend the Bombay Primary Education Act, 1923, so as to make the payment of dearness allowance by local authorities to their staff compulsory at the rates fixed by Government.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.